Road &
Right of way

B 3.5/1

It is requested that the following number be quoted in reply to this letter.

Gardens 15/1911.

Attorney-General's Office.

Singapore, 28th:February, *19* 11..

Sir,

In reply to your letter of the 18th: instant asking for information as to the requirements to prevent a right of way being acquired by user over the roads in the Botanical Gardens I have the honour to advise you as follows:-

1. The Prescription Act does not apply to this Colony and so far as the acqusition of a right of way by prescription under the common law is concerned it is doubtful if such a right can be acquired here, by reason of the nature of the fiction of the law upon which such a right rests; namely, the presumption, arising from long enjoyment of the right, of a grant made and lost in modern times. I has been held by the Chief Justice that in-as-much as it would be always possible here to show an extinguishment of the right by unity of owner-ship of the dominant and servient tenements within the time of legal memory the presumption of a lost grant would be inapplicable to claims to such easements as right of way in this Colony.

Henry N.Ridley Esquire.

Director of Gardens.

S.S.

2. Assuming,

B 3.5/2

2. Assuming, however, that this judgment is erroneous, then, in order to prevent such a right being acquired any interruption of it in fact, from which it could be inferred that the enjoyment was not rightful, such as an interruption by the locking of gates sufficiently long to amount to a substantial interference with the enjoyment of the right would be sufficient to prevent prescription.

3. I think it would be well that the interruption lasted for a day at least.

I have the honour to be,

Sir,

Your obedient servant

Edw Brandt

Attorney General.

B 3.5/3